

# Proposed Rules

Federal Register

Vol. 61, No. 125

Thursday, June 27, 1996

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 928

[Docket No. FV-96-928-2]

#### Papayas Grown in Hawaii; Continuance Referendum

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Referendum order.

**SUMMARY:** This document directs that a referendum be conducted among eligible growers of Hawaiian papayas to determine whether they favor continuance of the marketing order regulating the handling of papayas grown in the production area.

**DATES:** The referendum will be conducted from July 1 through July 26, 1996. The representative production period is from July 1, 1994, through June 30, 1995.

**ADDRESSES:** Copies of the text of the aforesaid marketing order may be obtained from the office of the referendum agent at 2202 Monterey Street, Suite 102B, Fresno, California 93721, or the Office of the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, D.C., 20090-6456.

**FOR FURTHER INFORMATION CONTACT:** Martin J. Engeler, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 2202 Monterey Street, Suite 102B, Fresno, California, 93721; telephone: (209) 487-5901; or Charles L. Rush, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, room 2522-S, P.O. Box 96456, Washington, D.C. 20090-6456; telephone: (202) 720-2431.

**SUPPLEMENTARY INFORMATION:** Pursuant to Marketing Order No. 928 (7 CFR Part 928), hereinafter referred to as the

“order,” and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the “Act,” it is hereby directed that a referendum be conducted to ascertain whether continuance of the order is favored by growers. The referendum shall be conducted during the period July 1 through July 26, 1996, among growers in the production area. Only growers who were engaged in the production of papayas during the period July 1, 1994, through June 30, 1995, may participate in the continuance referendum.

The Secretary of Agriculture has determined that continuance referenda are an effective means for ascertaining whether growers favor continuation of marketing order programs. The Secretary would consider termination of the order if less than two-thirds of the growers voting in the referendum and growers of less than two-thirds of the volume of papayas represented in the referendum favor continuance. In evaluating the merits of continuance versus termination, the Secretary would not only consider the results of the continuance referendum. The Secretary would also consider all other relevant information concerning the operation of the order and the relative benefits and disadvantages to growers, handlers, and consumers in order to determine whether continued operation of the order would tend to effectuate the declared policy of the Act.

In any event, section 608c(16)(B) of the Act requires the Secretary to terminate an order whenever the Secretary finds that a majority of all growers favor termination, and such majority produced for market more than 50 percent of the commodity covered under such order.

The order requires that a referendum be held every 6 years to determine whether growers favor continuance of their marketing order program. The most recent referendum was held in May 1993. The next referendum was scheduled for 1999. However, due to concerns regarding the operation of the order including program compliance, the Department has determined that a referendum should be held at this time to ascertain whether growers favor continuance of the order.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C.

Chapter 38), the ballot materials to be used in the referendum herein ordered have been submitted to and approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581-0102. It has been estimated that it will take an average of 20 minutes for each of the approximately 400 growers of papayas to participate in the voluntary referendum balloting. Ballots postmarked after July 26, 1996 will not be included in the vote tabulation.

Martin J. Engeler, California Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, is hereby designated as the referendum agent of the Secretary of Agriculture to conduct such referendum. The procedure applicable to the referendum shall be the “Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended” (7 CFR Part 900.400 *et seq.*).

Ballots will be mailed to all known growers and may also be obtained from the referendum agent and from his appointees at the above address.

#### List of Subjects in 7 CFR Part 928

Marketing agreements, Papayas, Reporting and recordkeeping requirements.

Authority: Agricultural Marketing Agreement Act of 1937, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

Dated: June 24, 1996.

Michael V. Dunn,

Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 96-16431 Filed 6-26-96; 8:45 am]

BILLING CODE 3410-02-P

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 35

[Docket No. PRM-35-14]

#### IsoStent, Inc., Receipt of a Petition for Rulemaking

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Petition for rulemaking; Notice of receipt.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) has received and